STATE OF NEW YORK

4748

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. MALLIOTAKIS, RAIA, LUPINACCI, COLTON, KEARNS, MURRAY, RA, CURRAN -- Multi-Sponsored by -- M. of A. FRIEND, MAGEE, THIELE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to penalties for causing the death of an animal

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The agriculture and markets law is amended by adding a new section 352 to read as follows:

§ 352. Causing the death of an animal. A person is guilty of causing the death of an animal, when he or she commits a crime under section three hundred fifty-three or section three hundred fifty-three-a of this article, and such conduct results in the death of an animal. Causing the death of an animal is a class D felony.

§ 2. The opening paragraph of section 353 of the agriculture and markets law, as amended by chapter 523 of the laws of 2005, is amended to read as follows:

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, **or** mutilates [~~**or kills**~~] any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated [~~**or killed**~~], or to be deprived of necessary food or drink, or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor and for purposes of paragraph (b) of subdivision one of section 160.10 of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 3. Subdivision 1 of section 353-a of the agriculture and markets law, as added by chapter 118 of the laws of 1999, is amended to read as follows:

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she [~~intentionally kills or~~] intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out in an especially depraved or sadistic manner.

§ 4. This act shall take effect immediately.